

41)



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,977	11/21/2003	Stephane Moreau	W53.12-0002	1748

27367 7590 03/29/2007  
 WESTMAN CHAMPLIN & KELLY, P.A.  
 SUITE 1400  
 900 SECOND AVENUE SOUTH  
 MINNEAPOLIS, MN 55402-3319

EXAMINER
----------

REDMAN, JERRY E

ART UNIT	PAPER NUMBER
----------	--------------

3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/719,977	<b>Applicant(s)</b> MOREAU, STEPHANE	
	<b>Examiner</b> Jerry Redman	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3634

The status of the claims is as follows:

Claim 34 is withdrawn from consideration; and

Claims 1-33 and 35-36 (newly added) are herein addressed below.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 11-17, 21, 22, 24-29, 32, 33 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasler et al. (4,240,227). Hasler et al. ('227) disclose a door (11 or 45) of a motor vehicle comprising a body shell (9), at least one movable glass panel (13) arranged to slide between a sealing closed position and an open position, at least one strut (the upper portion of 17 and/or 19) bearing a watertight joint (seals/windscreen wiper blade seal(s) are formed therealong), guide tracks (the lower portion of 17 and 19 are mounted to the door/body shell), a cross member (13h') coupled to the at least one strut, a "burglarproof" means (33 or 133) extending within a slot of the struts, and at least one fixed panel (49) fitted into a sealing plane.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3634

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10, 23, 30, 31, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasler et al. ('227) in view of Kobrehel et al. (6,141,910). All of the elements of the instant invention are discussed in detail above except providing a means for driving comprising a motor to drive the window panel via a cable operated assembly and the means for driving mounted to at least one of the struts. Kobrehel et al. ('910) disclose a door assembly having a motor (16) connected to a cable drive system for moving a window panel between an open and closed position and a means for driving (pulleys 19) attached to at least one of the struts. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the door assembly of Hasler et al. ('227) with a motorized cable drive assembly as taught by Kobrehel et al. ('910) since a motorized cable drive assembly allows the convenience to automatically operate the window and the cable drive assembly takes up less space and is lighter than conventional drives as well as providing a means for driving attached to at least one of the struts since this allows system is compact and takes up less space within a door.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasler et al. ('227) in view of Klueger et al. (6,425,208). All of the elements of the instant invention are discussed in detail above except providing an adjusting means for the window assembly. Klueger et al. ('208) disclose a two screw adjusting means (58 and 60). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the door assembly of Hasler et al. ('227) with an adjusting means

Art Unit: 3634

as taught by Klueger et al. ('208) since an adjusting means allows the sliding panel and guides to be adjusted with respect to the door shell.

The applicant's arguments have been considered but are not deemed persuasive. It appears that the applicant's arguments are more limiting than that of the claims. As shown in Figure 7 of Hasler et al. ('227), the sliding panel is securely fixed in the closed position such that the panel presses into a sealing position (the closed position of the panel) when the panel is moved in the upper most position. Thus, the panel is free to slide between the fully closed position and the fully opened position without damaging the seals along the periphery of the opening. With respect to the 35 U.S.C. 103(a) rejection, it appears that the applicant is arguing the references individually and not the combination thereof.


**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3634

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 571-272-6835.

  
**Jerry Redman**  
**Primary Examiner**